

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ALAN HILL,  
Plaintiff,

v.

JEFF LEIKAUF, et al.,  
Defendants.

No. 2:23-cv-1593 AC P

ORDER

By order filed April 22, 2025, the complaint was screened and found to not state a claim for relief. ECF No. 32. Plaintiff was given thirty days to file an amended complaint and cautioned that failure to do so would result in a recommendation that this action be dismissed. Id. at 7. Near the deadline, plaintiff filed a notice stating that “the best thing for me to do is allow you to dismiss the complaint for ‘too much supporting evidence.’” ECF No. 33.


On May 19, 2025, the court issued an order informing plaintiff that if he wants to dismiss this case, he must file a notice explicitly stating that he wants to voluntarily dismiss the case. ECF No. 34 at 1. The court cautioned that if he does not voluntarily dismiss the case and fails to file an amended complaint, a dismissal by the court could potentially count as a strike under 28 U.S.C. § 1915(g) because the first amended complaint was screened and found not to state a claim. Id. Plaintiff was given twenty-one days from the service of the order to either (1) notify the court that he wishes to voluntarily dismiss this case or (2) file an amended complaint.

1 Plaintiff was again warned that failure to do so would result in a recommendation that this action  
2 be dismissed for failure to state a claim and failure to prosecute. Id. at 2.

3 More than twenty-one days have passed, and plaintiff has not informed the court that he  
4 wishes to voluntarily dismiss this case or filed an amended complaint. Plaintiff will be given one  
5 final opportunity to file an amended complaint or voluntarily dismiss this case.

6 Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the service of  
7 this order, plaintiff shall either (1) notify the court that he wishes to voluntarily dismiss this case  
8 or (2) file an amended complaint. Failure to take any action will result in a recommendation that  
9 this action be dismissed for failure to state a claim for relief and for failure to prosecute. No  
10 further warnings will be provided.

11 DATED: June 24, 2025

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13 ALLISON CLAIRE  
14 UNITED STATES MAGISTRATE JUDGE  
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